

2100
⑥
ORDINANCE

ORDINANCE 08-40

**AN ORDINANCE ADOPTING CERTAIN FEES REQUIRED BY THE
WESTFIELD FIRE DEPARTMENT**

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, The City maintains and operates the Westfield Fire Department for the safety and protection of the public; and,

WHEREAS, it is the duty and the responsibility of the Council to consider and adopt legislation outlining the fees that are required for the orderly and efficient operation of the Westfield Fire Department; and,

WHEREAS, this Council finds that there is a need to adopt a schedule of fees for use by the Westfield Fire Department.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Council meeting in session as follows:

- Section 1.** That upon review of the schedule of fees, attached hereto as Exhibit "A" and incorporated herein, the Council finds that the fees are justified and reasonable.
- Section 2.** That the Westfield Fire Chief is hereby authorized to charge and collect the fees as adopted and to create any and all policies necessary to carry out the fair and equitable application of the fees to the general public.
- Section 3.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed.

ALL OF WHICH IS ORDAINED THIS 11 DAY OF Aug 2008.

WESTFIELD CITY COUNCIL

Voting For

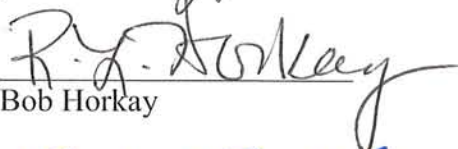
Voting Against

Abstain


John Dippel

John Dippel

John Dippel


Bob Horkay

Bob Horkay

Bob Horkay


Ken Kingshill


Ken Kingshill

Ken Kingshill

Bob Smith

Bob Smith


Bob Smith


Thomas Smith

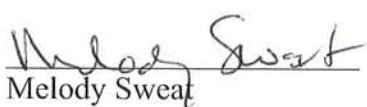
Thomas Smith

Thomas Smith


Rob Stokes

Rob Stokes

Rob Stokes


Melody Sweat

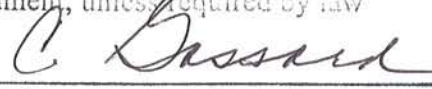
Melody Sweat

Melody Sweat

ATTEST:


Cindy Gossard, Clerk Treasurer

"I affirm, under the penalties of perjury,
that I have taken reasonable steps to detect
each Social Security Number in this
document, unless required by law"


Signed

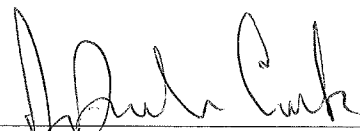
I hereby certify that ORDINANCE 08-40 was delivered to the Mayor of Westfield

on the 12 day of Aug, 2008, at 11:30A m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-40

this 12 day of Aug., 2008.


J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-40

this _____ day of _____, 2008.

J. Andrew Cook, Mayor

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266



Westfield Fire Department Inspection Fines

- First step is completion of initial inspection. The business is given 30 days to comply with the written orders. They may choose to correct the violations and mail in the compliance card before the 30 days expire.
- After the 30 days have expired, we will complete a re-inspection of the business, looking at only what has been written in forms of a violation. If the business has not corrected the violation, they are given 15 more days to comply.
- After 15 days, we complete another re-inspection. If the business still has not complied with the written violations, the inspection is forwarded to the State Fire Marshal's Office for compliance. This may take several months and the business starts over with 30 days.
- After the second re-inspection, the business will be fined \$100.00 per violation, per infraction. Meaning if they have 3 extension cords in use and have not corrected this after 2 re-inspections, they are fined \$300.00. Additionally, they will be given another 5 days to correct. If they fail this inspection, then the fee jumps to \$500.00 per violation, per infraction. Then we will forward them to the State Fire Marshal's Office for compliance.



Westfield Fire Department Hazmat Billing Charges

Westfield Fire Department bills for Non-Emergency Incidents involving the release of hazardous materials in accordance with the state of Indiana spiller pay law and the Hamilton County spiller pay ordinance.

All billing is at the discretion of the Westfield Fire Department.

Residential/citizen properties are typically not billed for spills that are small in nature unless intentional. Residential/citizen transportation are typically not billed for spills that are small in nature unless intentional.

Commercial properties and transportation are typically billed.

In the event the responsible party is unknown the Westfield Fire Department will seek other methods of reimbursement.

Westfield Fire Department will charge the responsible party of a hazmat release on the following schedule:

RESOURCE:	CHARGE:
Battalion Vehicle	\$100 per hour, minimum of 1 hour if arriving on the scene.
Utility Vehicle	\$100 per hour, minimum of 1 hour if arriving on the scene.
Ambulance Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Rescue Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Engine Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Ladder Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Hazmat Vehicle	\$250 per hour, minimum of 1 hour if arriving on the scene.
Personnel	\$22 per hour, per person, minimum of 1 hour if arriving on the scene.
Monitoring Equipment	\$50 per hour, minimum of 1 hour if arriving on the scene.

Equipment used is charged on current cost of WFD supplying vendors.

Equipment replacement or repair is charged on current cost of WFD supplying vendors.

An additional \$200 is charged for shipping.



Westfield Fire Department Billing Charges

For all Non-Emergency, Non-Life Threatening Incidents that Westfield Fire Department is asked to respond to or provide safety assurance for, Westfield Fire Department will bill the responsible party for the services provided.

All billing is at the discretion of the Westfield Fire Department.

Westfield Fire Department will charge the responsible party on the following schedule:

RESOURCE:	CHARGE:
Battalion Vehicle	\$100 per hour, minimum of 1 hour if arriving on the scene.
Utility Vehicle	\$100 per hour, minimum of 1 hour if arriving on the scene.
Ambulance Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Rescue Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Engine Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Ladder Vehicle	\$150 per hour, minimum of 1 hour if arriving on the scene.
Hazmat Vehicle	\$250 per hour, minimum of 1 hour if arriving on the scene.
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An additional \$200 is charged for shipping.